

[Advisory Opinion 1996-10]

May 30, 1996

[Name1 withheld]

Dear [Name1 withheld]:

The Ethics Commission has reviewed your correspondence of March 19, 1996 in which you request the Commission's review of a potential conflict of interest with respect to your membership on the Water Quality Advisory Group and your private business. The Water Quality Advisory Group provides advice to the County with respect to the management of its watersheds and other general water quality matters.

According to your letter, you own a company, [Name2 withheld], that provides services to the development industry and to federal, state, and county governments. Montgomery County is one of your clients.

As a member of the County's Water Quality Advisory Group, you are governed by the Montgomery County Ethics Code. See Article 19A-4(m). Article 19A-11 addresses conflicts of interest and identifies when a public servant (including a volunteer) must refrain from participating in his public responsibilities due to a conflict of interest. The facts presented in your letter suggest that you will not be able to participate in certain matters that specifically relate to your private interests. You may not vote to approve specific contracts involving your private interests. In addition, you must not participate as a member of the Water Quality Advisory Group in matters involving the selection of a contractor when your firm has an interest or may have an interest in the contract, nor should you participate in drafting the terms of a County contract upon which your firm is likely to bid. To the extent that the Water Quality Advisory Group addresses general matters of advice and policy and does not specifically affect your private business, the ethics law does not prohibit your participation.

I hope that you will find this letter responsive. If you need advice or a waiver regarding more specific circumstances, please contact the Commission.

Sincerely,

[signed]

Laurie B. Horvitz, Chair

LBH/jlw